

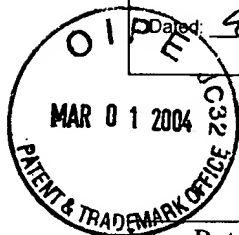
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 332778965 US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 8-22-03

Signature: 

(Anthony Soljanich)

Docket No.: 342312003801
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Larry A. LAREW, et al.

Application No.: 09/942,458

Group Art Unit: 1654

Filed: August 29, 2001

Examiner: R. Teller

For: ECHINOCANDIN/CARBOHYDRATE
COMPLEXES

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Detailed Action mailed August 1, 2003 for which a response is due on September 1, 2003. Accordingly this response is timely filed.

The Examiner had required restriction between:

I. Claims 1-6 and 20-23, drawn to an echinocandin/ carbohydrate complex, classified in class 514, subclass 9.

II. Claims 7-19, drawn to a method of making the echinocandin/ carbohydrate complex, classified in class 514, subclass 9.

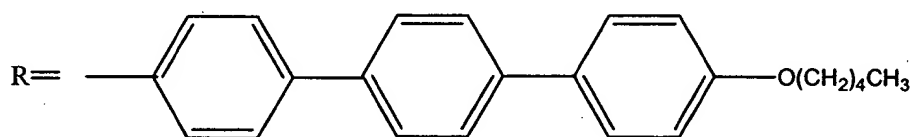
III. Claims 24-27, drawn to a method of treating fungal infection, classified in class 435, subclass 178.

Applicant elected Group I, without traverse in the Response to Restriction Requirement filed with the Office on July 21, 2003. Applicant expressly reserves his/her right under

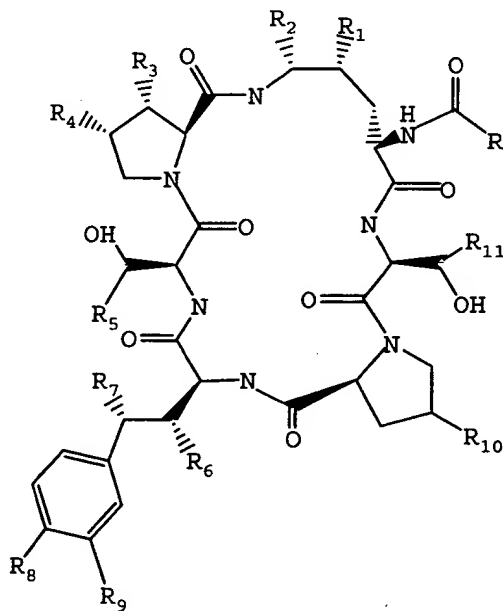
35 U.S.C. § 121 to file a divisional application directed to the non-elected subject matter during the pendency of this application, or an application claiming priority from this application.

The Examiner also has requested an election of species under 35 U.S.C. § 1.121.

A. With respect to claims 1 and 7, the Applicant elects the species where R is aryl. With respect to claims 2 and 8, the Applicant elects the species where R is



B. With regard to claims 1 and 7, the Applicant hereby elects the species where the echinocandin is represented by the formula shown below:



where R_1 , R_2 , R_3 , R_6 , R_7 , R_8 , and R_{10} are hydroxy groups; R_4 , and R_5 are methyl groups; and R_9 is a hydrogen. The Examiner has not requested election of a species with respect to R_{11} , but should the lack of a request be an oversight, the Applicant elects the species where R_{11} is methyl.

C. With regard to claims 4 and 10, the Applicant hereby elects the species where the carbohydrate is fructose.

D. With regard to claims 5, 6, 11 and 12, the Applicant hereby elects the species where the carbohydrate is D-fructose.

E. With regard to claims 13 and 14, the Applicant hereby elects the species where the solvent is methanol.

Applicant requests examination of the elected subject matter on the merits. The Applicant notes that the generic claims should be considered if one or more species claims are found patentable.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 342312003801. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated August 22, 2003

Respectfully submitted,

By 

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